(1)

91-1109

Supreme Court, U.S.
FILED
DEC 9 1991
OFFICE OF THE CLERK

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1991

FRANK J. CAMOSCIO,

Petitioner,

v.

JUDGE BARBARA J. ROUSE,

Respondent.

ON WRIT OF CERTIORARI TO THE

SUPREME COURT OF THE COMMONWEALTH

OF MASSACHUSETTS

* * *

PETITION FOR WRIT OF CERTIORARI

* * *

FRANK J. CAMOSCIO
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Counsel of Record
Pro Se

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THE QUESTION PRESENTED FOR REVIEW:

Does Judge Rouse or any State Judicial Official have the power to violate the petitioner's right to due process and equal access to the court; Specifically, can a Judge refuse petitioner's right to file motions without viewing said motions, can a State judicial system be wrongfully used to deny redress and impose punishment without trial?

* * * *

OPINION BELOW:

The Petitioner tried to file a Petition For Equity with the Supreme Judicial Court for the Commonwealth of Massachusetts which was denied. See Appendix A beginning at page A-1. The Petitioner was denied the right to file said Petition because there is a standing order that a majority of the judges must agree to hear a petition before the court will allow the Petitioner the right to file. See Appendix B beginning at page B-1.

The Petitioner had tried to file this petition to regain access to the courts. The Respondent had denied the Petitioner the right to file motions in her court where she was the presiding justice without viewing said motions.

JURISDICTION

The majority of judges voted not to allow the Petitioner the right to file the Petition For Equity on September 30, 1991. The Chief Deputy Clerk, Francis J. Lorson of the United States Supreme Court stated that this denial is in fact a final judgment and that the Petitioner should seek relief through a Writ of Certiorari, not by a Writ of Extrodinare or by an Original Jurisdiction to regain the Petitioner's basic constitutional right of equal access to the courts. The jurisdiction of this Court is involved under 28 U.S.C. 1257 and Rule 13 of this Court.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fourteenth Amendment, Section 1. of the United States Constitution provides:

> "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of law."

The First Amendment of the United States Constitution provides:

> "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peacably to assemble, and to petition the Government of a redress of greivances."

The laws and rules of Massachusetts which the Petitioner cited in his complaint giving the Supreme Judicial Court of Massachusetts the power to act are found in Appendix D.

STATEMENT OF THE CASE

This case is filed because the Petitioner was denied access to the court. The Respondent Judge Barbara Rouse knew that the Petitioner, Camoscio, could not file a motion in her court, because she ordered her clerk John Lynch not to accept any motions from Camoscio for her to review thereby making it impossible for Camoscio to comply with an earlier order by Judge Irwin which states Camoscio must get permission to file from the Judge sitting in motion session. Since motion session was abolished, the judge assigned to the case must decide whether they will allow Camoscio the right to file the motion. It is important to note that Judge Irwin's earlier order was re-written by

him three times, to successfully enlarge its scope to deny Camoscio all access. Irwin's motivation to cover his own abuse of power is clearly demonstrated in his use of court orders to obstruct justice and deny access to due process. So eager was he to foreclose Camoscio's access to the Massachusetts courts that he issued his orders in a case not even in front of him, yet his actions have given Judge Rouse the encouragement to continue abusing the petitioner's right to due process and to gain access to the court. The petitioner's sole aim is to get a day in court to hear his case which, to date, has never been heard; yet the decision of a hearing officer, not a legally constituted court officer, cannot be challenged through the due process of a court trial.

Judge Irwin called Camoscio's cases frivilous; however this Court must ccnsider the motivation for this restrictive act. Judge Irwin met the Petitioner when Irwin was assistant attorney general, and was representing the Board of Registration in Podiatry at a Massachusetts grand jury in which 35 indictments were handed down and the Petitioner was the key witness against said board. The Petitioner was the record keeper of a Podiatry School. Corrupt state officials were issuing licenses to individuals who allegedly graduated from that school but in fact did not. Assistant attorney general Irwin blocked service of the indictments, and as his reward, became Judge Irwin. Many of the indictments dealt with these corrupt state officials, who have been given immunity by the courts

for their wrongful acts.

The Petitioner attempted to file a petition to the Supreme Judicial Court of Massachusetts but the court refused to allow Camoscio the right to file. This court wrote an order making Camoscio the only citizen of the state who must get the permission of the majority of the judges sitting before the Petitioner is allowed to file any case in that court. The court wrote this order on November 2, 1990. Please see addendum B. In the time period between Camoscio's action to revoke fraudulent licenses to the present, numerous actions against him have been instigated by said Board with the clear motivation to punish him. Further, the judicial bureaucracy has cooperated in these abuses, to the extent of total denial of due process. At no time has the

original action against Dr. Camoscio been granted a trial. Only an adjudicatory hearing under the auspices of the Attorney General has been used to punish the Petitioner, and all access to a day in court has been denied. The Petitioner had filed suits against four Judges in Federal District Court on October 31, 1990 because they had violated the Petitioner's constitutional right of due process. The Petitioner filed suit claiming that these judges signed a decision which failed to comply with the facts before the court. Since all court documents signed by judges are under oath then these judges committed perjury. Federal court gave these men immunity. These judges refused to answer interrogatories which asked if their decision was true and accurate. This case dealt with the Petitioner's

own podiatric license which was removed for life -- without patient complaint and even though those patients who's cases were questioned were actually cured. The Board of Registration in Podiatry had filed the complaint against the Petitioner, not the patients. The same Board which the Petitioner had testified against at a grand jury earlier in which 35 indictments were handed down. The same Board which had given out licenses to unqualified individuals. This Board and the state officials persecuted the Petitioner solely for doing his duty as record keeper of the school. No one has ever had their license removed for curing his patients -- except the Petitioner. The other question which Camoscio asked these judges was to describe in detail what offense he com-

mitted that warranted his license be removed for life. Not one judge to date will answer the Petitioner.

The reason why the Petitioner was denied the right to file is to stop him from ever having access to the court in an attempt to get justice. If the Petitioner cannot file in the State Supreme Judicial Court on a state matter then he cannot file in Washington thereby preventing the Petitioner from being heard in a non prejudicial court.

REASONS FOR GRANTING WRIT

The court must act because the Petitioner is being denied the right to file and to gain equal access to the court. To date no judge has viewed the four motions which the Petitioner tried to file. Under state law the court could civilly punish the Petitioner for filing frivilous cases and motions but the majority of the people involved have sought immunity for their wrongful acts. The Fourteenth Amendment, Section 1 is emphatic that a citizen is to have equal access to the courts. No state shall have the power to abridge this right. Judge Rouse and the Supreme Judicial Court of Massachusetts have abused their power by denying the Petitioner the right to file motions and petitions, as every citizen is guaranteed, the Peti-

tioner is being denied the right to redress through the court, and has been singled out by Justice Rouse to be the only citizen of the Commonwealth who is not allowed to file motions in her court. The Supreme Judicial Court of the Commonwealth of Massachusetts has denied the Petitioner the same rights to redress through their court. Supreme Judicial Court of the Commonwealth offered the Petitioner no mechanism for redress and therefore violated the first and fourteenth amendment rights of the Petitioner.

The Petitioner cites the following cases: In re Troy (1973) 306 N.E. 2d 203, 364 Mass. 15. "when court hours are established they should be met precisely, and court business is not to be disposed of summarily without ample opportunity for hearing

parties on all that is relevant and material to the cause within sound discretionary limits. Pesce v. Brecher (1939) 19 N.E. 2d 36, 302 Mass. 211. "Every individual is entitled to his own day in court in which to assert his own rights or to defend against their infringement; People v. Fuller, Colo. 1990, 791 P. 2d 702. "Equal protection of law requires like treatment of all those similarly situated." Ross v. Moffitt, N.C. 1974, 94 S.Ct. 2437, 417 U.S. 600, 41 L. Ed. 2d 341. "This clause requires that state appellate system be free of unreasoned distinctions and that indigents have an adequate opportunity to present their claims fairly within adversarial system." Bad Horse v. Bad Horse, 1974, 517 P. 2d 893, 163 Mont. 445, certiorari denied 95 S.Ct. 83, 419 U.S. 847, 42 L. Ed. 2d 76. "Equal protection of laws of

state is extended to persons within its jurisdiction when its courts are open to them on same conditions as to others in like circumstances." and U.S. v. State of Mich., D.C. Mich. 1978, 460 F. Supp. 637. "The right of access to the court should not be confused with the right to present signed petitions advocating a certain result in a case to which neither the signers nor their association is a party; the former is a constitutionally protected right, albert circumscribed by rules and procedures, while the latter is a blatant attempt to influence the decision of the court outside of any applicable rules or procedures."

CONCLUSION

For the foregoing reasons this Petition For Writ of Certiorari to the Supreme Court of Massachusetts be granted otherwise the Petitioner would lose the right of redress, equal protection of law and access to the courts. If the court fails to act, the Petitioner's fundamental rights have been severely abridged, and his means to ultimate redress of wrongs made more grievous by the insidious complicity of certain judicial officials in the original wrongful actions.

Respectfully submitted,

Frank J. Camoscio

Frank J. Camoscio
Pro Se
Counsel of Record
for Petitioner

252 Hanover Street
Boston, Massachusetts 02113
(617) 720-2849

Attorney for Petitioner

DATED: December 6, 1991

Domenic Bruno
NOTARY PUBLIC

Domenic Bruno
12/6/91

APPENDIX

COMMONWEALTH OF MASSACHUSETTS

SUPREME JUDICIAL COURT

FOR THE COMMONWEALTH

NO. SJC

FRANK J. CAMOSCIO,

PLAINTIFF,

V.

JUDGE BARBARA ROUSE,

DEFENDANT.

PETITION FOR EQUITY

The plaintiff, Frank J. Camoscio, files this petition under Massachusetts Rules of Civil Procedure, Rule 81, Massachusetts General Laws chapter 214 § 1 and Massachusetts General

APPENXIX "A"

Laws chapter 211 § 3. Presently Camoscio is being denied equal access to the courts by Judge Rouse. The plaintiff is barred from filing motions according to Rule 9A but must comply with Judge Irwin's order. Judge Rouse has instructed her clerk John Lynch not to accept any motions filed by Camoscio for her to act on and either accept or reject for filing with the court complying with Irwin's order. Camoscio has sent her four registered letters containing four different motions in four different cases but she refused each letter proving she has deliberately set out to deny Camoscio access to the courts.

Camoscio therefore asks for his constitutional right of equal access to the courts as guaranteed by United States Constitution Amendment 14 § 1.

PRAYERS

1. The plaintiff prays that he has the right to file motions with the court in a timely fashion and if the court rejects a filing, that the sitting judge state in writing the reason why.

2. The plaintiff prays for a writ of Mandamus or appropriate court order be issued to correct Judge Rouse's unconstitutional actions against Camoscio.

I hereby certify that all of the above statements are true and are made under the pains and penalties of perjury.

Frank J. Camoscio
Pro Se
252 Hanover Street
Boston, Massachusetts 02113
Telephone (617) 720-2849

Dated: September 25, 1991.

Signed by: Frank J. Camoscio

ORDER OF SUPREME JUDICIAL COURT

CAUSE NUMBER SJC

"DENIED SEPT 25, 91
By the Court
9-30-91
For the Commonwealth
Jean M. Kennett, Clerk"

Refer to Appendix Pages A1-A4.

COMMONWEALTH OF MASSACHUSETTS

SUPREME JUDICIAL COURT

FOR THE COMMONWEALTH

AT BOSTON,

November 2, 1990

In the case No. SJC-5308

FRANK J. CAMOSCIO

vs.

BOARD OF REGISTRATION IN PODIATRY

pending in the Supreme Judicial Court for the County of Suffolk No. 89-573

Ordered, that the following entry be made in the docket; viz., —

The judgment is affirmed. Further, it is ordered that neither the clerk of this court for Suffolk County (single justice session) nor the clerk for the

APPENDIX "B"

Commonwealth (full court) accept any further filings from the plaintiff unless at least four Justices of this court authorize the filing.

By the Court,

_____, Clerk.

_____

Signed by: Jean M. Kenneth, Clerk.

Dated: November 2, 1990.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
CIVIL ACTION
NO. 56398

cross referenced into Nos. 64251 65042, 83317, 87037, 87-270 and Disposed of Nos. 27561 - 38912 (see attached list of cases)

FRANK J. CAMOSCIO,
Plaintiff

v.

BOARD OF REGISTRATION IN PODIATRY,
Defendant

ORDER OF COURT

RE: FILING OF PAPERS BY PLAINTIFF, FRANK J. CAMOSCIA

It appears to the Court that Frank J. Camoscio is the Pro Se Plaintiff in a series of pending or disposed of actions.

The multiplicity of actions and

APPENDIX "C"

the insubstantial nature of the litigation, together with the inordinate amount of clerical, legal, and judicial time required to process these claims indicate the appropriateness of controlling Mr. Camoscio's continued use of the court system.

This Court is aware that Mr. Camoscio, like any individual, is entitled to represent himself, G.L. c. 221, § 48. Such right, however, does not preclude the Court's making such responsible order as may, while insuring Mr. Camoscio access to the judicial system, reasonably restrict his abuse of that system.

Accordingly, after hearing, it is Ordered, that the Clerk not accept the filing from or on behalf of Frank J. Camoscio any paper in any action (whether pending or future) without

first submitting the same to the Justice then sitting in the Suffolk Motion Session.

By the Court

_____

John J. Irwin, Jr.
Justice of the Superior Court

Dated: April 10, 1987

Signed by: John J. Irwin, Jr.
Justice of the Superior
Court

DISPOSED OF CASES

27561 FRANK J. CAMOSCIO V. BOARD OF REGISTRATION IN PODIATRY

38912 FRANK J. CAMOSCIO V. BOARD OF REGISTRATION IN PODIATRY

PENDING CASES

56398 FRANK J. CAMOSCIO V. BOARD OF REGISTRATION IN PODIATRY

64251 FRANK J. CAMOSCIO V. BOARD OF REGISTRATION IN PODIATRY

65042 FRANK J. CAMOSCIO V. BOARD OF REGISTRATION IN PODIATRY

83317 FRANK J. CAMOSCIO V. BOARD OF REGISTRATION IN PODIATRY

87037 FRANK J. CAMOSCIO V. ROBERT H. CLEWELL, ESQ.

87-270 FRANK J. CAMOSCIO V. JOHN E. GEORGE, ET AL

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.	SUPERIOR COURT CIVIL ACTION NO. 56398
FRANK J. CAMOSCIO, Plaintiff	cross referenced into Nos. 64251, 65042, 76698, 83455, 87037, 87200, 87510, 87-94, 87-270, 87-1911, 87-1744, 87-1745 and
v.	Disposed of Nos. 27561, 38912, 77285, 83317, 87509, & 87-448
BOARD OF REGISTRATION IN PODIATRY, Defendant	

AMENDED

ORDER OF COURT

RE: FILING OF PAPERS BY PLAINTIFF,

FRANK J. CAMOSCIO

It appears to the Court that Frank J. Camoscio is the Pro Se Plaintiff in a series of pending or disposed of ac-

tions.

The multiplicity of actions and the insubstantial nature of the litigation, together with the inordinate amount of clerical, legal, and judicial time reguired to process these claims indicate the appropriateness of controlling Mr. Camoscio's continued use of the court system.

This Court is aware that Mr. Camoscio, like any individual, is entitled to represent himself, G.L. c. 221, § 48. Such right, however, does not preclude the Court's making such responsible order as may, while insuring Mr. Camoscio access to the judicial system, reasonably restrict his abuse of that system.

Accordingly, after hearing, it is Ordered, that the Clerk not accept the filing from or on behalf of Frank

J. Camoscio any paper in any action (whether pending or future) without first submitting the same to the Justice then sitting in the Suffolk Motion Session.

By the Court

John J. Irwin, Jr.
Justice of the Superior Court

Dated: April 27, 1987

Signed by: John J. Irwin, Jr.
Justice of the Superior Court

DISPOSED OF CASES

27561 FRANK J. CAMOSCIO V. BOARD OF REGISTRATION IN PODIATRY

38912 FRANK J. CAMOSCIO V. BOARD OF REGISTRATION IN PODIATRY

77285 DR. FRANK J. CAMOSCIO, ON BEHALF OF THE 220 REGISTERED NURSES IN THE STATE NURSES DIRECTORY V. MICHAEL S. DUKAKIS, GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS

83317 FRANK J. CAMOSCIO V. BOARD OF REGISTRATION IN PODIATRY

87509 FRANK J. CAMOSCIO V. JOHN GEORGE

87-448 FRANK J. CAMOSCIO V. RICHARD

J. HALL

PENDING CASES

56398 FRANK J. CAMOSCIO V. BOARD OF REGISTRATION IN PODIATRY

64251 FRANK J. CAMOSCIO V. BOARD OF REGISTRATION IN PODIATRY

65042 FRANK J. CAMOSCIO V. BOARD OF REGISTRATION IN PODIATRY

76698 FRANK J. CAMOSCIO V. MARGARET CROWLEY

83455 FRANK J. CAMOSCIO V. EDWARD SMITH, INVESTIGATOR

87037 FRANK J. CAMOSCIO V. ROBERT H. CLEWELL, ESQ.

87180 FRANK J. CAMOSCIO V. JUDGE PAUL CONNOLLY

87200 FRANK J. CAMOSCIO V. LEONARD JOHNSON

87510 FRANK J. CAMOSCIO V. MICHAEL DUKAKIS

87-94 FRANK J. CAMOSCIO V. THOMAS F. CONNOLLY

87-270 FRANK J. CAMOSCIO V. JOHN E. GEORGE, ET ALS

87-1911 FRANK J. CAMOSCIO V. PHYLLIS S. WILNER, ET ALS

87-1744 FRANK J. CAMOSCIO V. DR. LLOYD SMITH

87-1745 FRANK J. CAMOSCIO V. DR.

JONATHAN SCARLET

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
CIVIL ACTION
NO. 56398

FRANK J. CAMOSCIO,
Plaintiff

v.

BOARD OF REGISTRATION IN PODIATRY,
Defendant

cross referenced into Nos. 64251, 65042, 76698, 83455, 87037, 87180, 87200, 87510, 87-94, 87-270, 87-1191, 87-1744, 87-1745 and Disposed of Nos. 27561, 38912, 77285, 83317, 87509, and 87-448

SECOND AMENDED

ORDER OF COURT

RE: FILING OF PAPERS BY PLAINTIFF,

FRANK J. CAMOSCIO

It appears to the Court that Frank J. Camoscio is the Pro Se Plaintiff in

a series of pending or disposed of actions.

The multiplicity of actions and the insubstantial nature of the litigation, together with the inordinate amount of clerical, legal, and judicial time required to process these claims indicate the appropriateness of controlling Mr. Camoscio's continued use of the court system.

This Court is aware that Mr. Camoscio,, like any individual, is entitled to represent himself, G.L. c. 221, § 48. Such right, however, does not preclude the Court's making such responsible order as may, while insuring Mr. Camoscio access to the judicial system, reasonably restrict his abuse of that system.

Accordingly, after hearing, it is Ordered, that the Clerk not accept the

filing from or on behalf of Frank J. Camoscio any paper in any action (whether pending or future) without first submitting the same to the Justice then sitting in the Suffolk Motion Session.

By the Court, (Irwin, J.)

Asst. Clerk

Dated: April 30, 1987

Signed by: John J. Lynch, Asst. Clerk

DISPOSED OF CASES

27561 FRANK J. CAMOSCIO V. BOARD OF REGISTRATION IN PODIATRY

38912 FRANK J. CAMOSCIO V. BOARD OF REGISTRATION IN PODIATRY

77285 DR. FRANK J. CAMOSCIO, ON BEHALF OF THE 220 REGISTERED NURSES IN THE STATE NURSES DIRECTORY V. MICHAEL S. DUKAKIS, GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS

83317 FRANK J. CAMOSCIO V. BOARD OF REGISTRATION IN PODIATRY

87509 FRANK J. CAMOSCIO V. JOHN GEORGE

87-448 FRANK J. CAMOSCIO V. RICHARD

PENDING CASES

56398 FRANK J. CAMOSCIO V. BOARD OF REGISTRATION IN PODIATRY

64251 FRANK J. CAMOSCIO V. BOARD OF REGISTRATION IN PODIATRY

65042 FRANK J. CAMOSCIO V. BOARD OF REGISTRATION IN PODIATRY

76698 FRANK J. CAMOSCIO V. MARGARET CROWLEY

83455 FRANK J. CAMOSCIO V. EDWARD SMITH, INVESTIGATOR

87037 FRANK J. CAMOSCIO V. ROBERT H. CLEWELL, ESQ.

87180 FRANK J. CAMOSCIO V. JUDGE PAUL CONNOLLY

87200 FRANK J. CAMOSCIO V. LEONARD JOHNSON

87510 FRANK J. CAMOSCIO V. MICHAEL DUKAKIS

87-94 FRANK J. CAMOSCIO V. THOMAS F. CONNOLLY

87-270 FRANK J. CAMOSCIO V. JOHN E. GEORGE, ET ALS

87-1191 FRANK J. CAMOSCIO V. PHYLLIS S. WILNER, ET ALS

87-1744 FRANK J. CAMOSCIO V. DR. LLOYD SMITH

87-1745 FRANK J. CAMOSCIO V. DR.

JONATHAN SCARLET

MASSACHUSETTS RULES OF CIVIL PROCEDURE

GENERAL PROVISIONS

RULE 81 (b)

WRITS ABOLISHED. The following writs are abolished: audita querela; certiorari; entry; error; mandamus; prohibition; quo warranto; review; and scire facias. In any action seeking relief formerly obtainable under any such writ, procedure shall follow these rules.

MASSACHUSETTS GENERAL LAWS

CHAPTER 214 § 1.

§ 1. GENERAL EQUITY JURISDICTION; ORIGINAL AND CONCURRENT

The supreme judicial and superior courts shall have original and concurrent jurisdiction of all cases and matters of equity cognizable under the general principles of equity jurisprudence and, with reference thereto, shall be courts of general equity jurisdiction, except that the superior court shall have exclusive original jurisdiction of all actions in which injunctive relief is sought in any matter involving or growing out of a labor dispute as defined in section twenty C of chapter one hundred and forty-nine.

Added by St.1973, c. 1114, § 62.

MASSACHUSETTS GENERAL LAWS

CHAPTER 211 § 3

§ 3. SUPERINTENDENCE OF INFERIOR COURTS; POWER TO ISSUE WRITS AND PROCESS

The supreme judicial court shall have general superintendence of all courts of inferior jurisdiction to correct and prevent errors and abuses therein if no other remedy is expressly provided; and it may issue all writs and processes to such courts and to corporations and individuals which may be necessary to the furtherance of justice and to the regular execution of the laws.

In addition to the foregoing, the justices of the supreme judicial court shall also have general superintendence of the administration of all courts of

inferior jurisdiction, including, without limitation, the prompt hearing and disposition of matters pending therein, and the functions set forth in section three C; and it may issue such writs, summonses and other processes and such orders, directions and rules as may be necessary or desirable for the furtherance of justice, the regular execution of the laws, the improvement of the administration of such courts, and the securing of their proper and efficient administration. Nothing herein contained shall effect existing law governing the selection of officers of the courts, or limit the existing authority of the officers thereof to appoint administrative personnel.

Amended by St.1956, c. 707, § 1; St. 1973, c. 1114, § 44.